

1 WO  
2  
3  
4  
5

6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

8 Jan E. Kruska, ) No. CV 08-0054-PHX-SMM  
9 Plaintiff, )  
10 v. ) **ORDER**  
11 Perverted Justice Foundation)  
Incorporated.Org, et al., )  
12 Defendants. )  
13 \_\_\_\_\_)

14 Currently pending before the Court are Plaintiff's Motion to Proceed In Forma Pauperis  
15 (Doc. 3) and Motion to Appoint Counsel (Doc. 4). The appointment of counsel for an indigent  
16 plaintiff is a matter of the court's discretion, and the decision will not be overturned absent an  
17 abuse of discretion. *See United States ex rel. Gardner v. Madden*, 352 F.2d 792, 793 (9th  
18 Cir.1965); Am. Jur. 2d. Fed. Courts § 524. Here, the Court finds that Plaintiff has failed to  
19 establish that appointment of counsel is warranted. With regard to Plaintiff's indigent status,  
20 the Court finds the following:

21 I, Honorable Stephen M. McNamee, District Judge of the United States District Court  
22 for the District of Arizona, hereby:

23 X **DENY** the application for leave to proceed in forma pauperis without prepayment of  
24 costs or fees or the necessity of giving security therefore. Plaintiff shall have **10 days** from the  
25 entry of this Order to pay the filing fee of \$350.00. The Clerk of Court is directed to enter  
26 dismissal of this action without further notice if Plaintiff fails to pay the filing fee of \$350.00  
27 within 10 days of the entry of this Order.

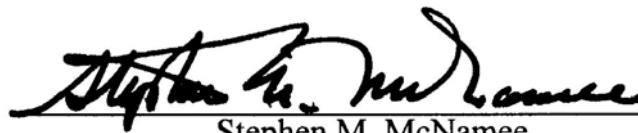
28 ///  
29 ///

1 Accordingly,

2 **IT IS HEREBY ORDERED DENYING** Plaintiff's Motion to Proceed in forma  
3 pauperis (Doc. 3).

4 **IT IS FURTHER ORDERED DENYING** Plaintiff's Motion to Appoint Counsel (Doc.  
5 4).

6 DATED this 16<sup>th</sup> day of January, 2008.

7  
8  
9  
10 

---

11 Stephen M. McNamee  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28